

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CODY YENTZER,	:	CIVIL ACTION NO. 3:20-CV-1579
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
POTTER COUNTY, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 28th day of March, 2022, upon consideration of defendants' motion (Doc. 17) to dismiss plaintiff's complaint (Doc. 1) pursuant to Federal Rule of Civil Procedure 12(b)(6), and the report (Doc. 27) of Chief Magistrate Judge Karoline Mehalchick recommending that the court grant in part and deny in part defendants' motion, and further upon consideration of defendants' objections (Doc. 29) to the report and brief (Doc. 30) in support of same, and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. The court will adopt in part and reject in part Judge Mehalchick's report as set forth in the accompanying memorandum.
2. Defendants' motion (Doc. 17) to dismiss is GRANTED as follows:
 - a. Plaintiff's request for punitive damages against defendant Potter County and against the individual defendants in their official capacities is DISMISSED with prejudice.
 - b. Plaintiff's claims against the individual defendants in their official capacities are DISMISSED as duplicative of plaintiff's claims against Potter County with prejudice.

- c. Plaintiff's failure-to-protect claim regarding the Snyder incident is DISMISSED as against defendants Glenn C. Drake II and Angela Milford without prejudice.
 - d. Plaintiff's failure-to-protect claim regarding the Shaffer incident is DISMISSED as against Drake and Milford as well as defendants Martin and Fry without prejudice.
 - e. Plaintiff's medical-deliberate-indifference claim is DISMISSED as against defendants Drake, Milford, and Martin without prejudice.
 - f. Plaintiff's municipal liability claims against Potter County are DISMISSED without prejudice.
- 3. The motion (Doc. 17) is DENIED with respect to plaintiff's failure-to-protect claim regarding the Snyder incident as against Martin, Fry, and defendant Josh Rosenwie; with respect to plaintiff's failure-to-protect claim regarding the Shaffer incident as against Rosenwie; and with respect to plaintiff's medical-deliberate-indifference claim as against Fry and Rosenwie.
 - 4. Plaintiff is granted leave to amend his complaint in conformity with the accompanying memorandum within 14 days of the date of this order. In the absence of a timely filed amended complaint, the above-captioned action shall proceed on the remaining claims in the initial complaint.
 - 5. Defendants' deadline to respond to the complaint under Federal Rule of Civil Procedure 12(a)(4)(A) is DEFERRED for the duration of the 14-day amendment period set forth in paragraph 4 above.
 - 6. This case is REMANDED to Judge Mehalchick for all further pretrial proceedings including report and recommendation on dispositive motions.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania